

Introduction

Pursuant to Revised Statutes of Missouri 643.337.2, the Missouri Department of Natural Resources (Department) and the Missouri State Highway Patrol (MSHP) are issuing a joint annual report on the status of the vehicle emissions inspection program, known as the Gateway Vehicle Inspection Program (GVIP). This report summarizes GVIP compliance and incidents of fraud during the 2021 Fiscal Year (July 1, 2020-June 30, 2021) and provides recommendations for improvement. Additional reports related to GVIP are available at: <https://dnrservices.mo.gov/gatewayvip/AnnualReports.htm>.

Background

The GVIP is a federally mandated air pollution control strategy in the St. Louis area. The control strategy is required since the St. Louis area is not meeting the federal ozone standards, and is designated ‘nonattainment’ by the Environmental Protection Agency (EPA). Currently, the 2015 ozone nonattainment area includes the Counties of Jefferson, St. Charles, and St. Louis, the Boles Township of Franklin County, and the City of St. Louis. Until August 2018, the entirety of Franklin County was nonattainment for previous ozone standards and therefore is currently part of the GVIP. The Department petitioned the EPA to remove Franklin County from GVIP requirements, but emissions testing is still required at this time pending EPA approval. The Department continues to investigate options to remove the GVIP requirements from Jefferson County and to evaluate options to remove some of the burden of this program in other counties, while still meeting federal air quality standards.

Since the 1980s, the Department has overseen an inspection/maintenance program for vehicles located in the St. Louis area. The current rule, promulgated by the Missouri Air Conservation Commission in 2007, 10 CSR 10-5.381, “*On-Board Diagnostics Motor Vehicle Emissions Inspections*,” established state regulations currently used to oversee and enforce the emissions testing requirements of the GVIP. The Department is the lead agency for emissions inspections and the MSHP is the lead agency for safety inspections.

Worldwide Environmental Products, Inc. (WEP) is the current contractor that implements the GVIP contract, with Department oversight, for the State of Missouri. WEP has held the contract since June 12, 2017.

Station Licensing

As of June 2021, Missouri has 786 public and 28 private or government owned licensed GVIP stations and 4,326 licensed inspector/mechanics. A current directory of licensed GVIP stations is available at: <http://www.missourigvip.com/Stations>.

Vehicle Inspection Data

Each licensed GVIP station performs vehicle inspections using a Missouri Decentralized Analyzer System (analyzer system). This analyzer system sends real-time inspection information from inspection stations directly to the GVIP Vehicle Inspection Database (VID). The Department, MSHP, Department of Revenue (DOR) and DOR contract license offices have

access to the database through secure Internet connections. During Fiscal Year 2021 (FY2021), GVIP stations conducted 882,772 initial emissions inspections.

In FY2021, 18,382 vehicles, 2.1 percent, failed the initial emissions test, a compliance rate of 97.9 percent. Of the 882,772 vehicles that completed initial emissions inspections, 876,708 eventually passed, resulting in a final compliance rate of 99.3 percent.

Emissions Waivers and Exemptions

10 CSR 10-5.381(3)(K) enables the Department to issue waivers and exemptions from GVIP requirements. Just like inspection results, waivers and exemptions issued by the Department are available for real time verification by DOR, DOR contract license offices, and the DOR plate renewal website via the VID.

- *Cost-Based Waivers* – granted by the Department if motorists spend a specified amount on emissions-related repairs after the vehicle fails an initial emissions inspection and still are unable to pass the emissions test. During FY2021, the Department received 460 repair and estimate of repair waiver requests. Staff issued 151 cost-based repair related waivers and issued 47 denials or close-outs due to inadequate repairs or responses. Staff issued 183 estimate based waivers, which provide motorists two years to bring their vehicle into emissions compliance. The Department denied or otherwise closed out another 36 requests. In addition, 26 vehicles passed a post-waiver application emissions inspection after owners were told by the Department that a retest was required as part of the waiver process. Staff also investigated and approved 87 ‘Technical Waivers’ for vehicles unable to pass the emissions inspection due to inspection software issues.
- *Out-of-Area Waivers* – granted by the Department for vehicles that are registered within the ozone nonattainment area but not driven in the area during the registration period. During FY2021 the Department received 216 applications. The Department issued 192 Out-of-Area waivers, primarily for businesses such as AT&T, Fidelity Telephone, Missouri Baptist Children’s Home, and Spire Energy. Of these applications, 23 were either denied by the Department or determined unnecessary.
- *Reciprocity Waivers* – granted by the Department for vehicles registered within the ozone nonattainment area but located in another state. These vehicles have to pass an equivalent emission inspection in that state. During FY2021, the Department issued 43 reciprocity waivers.
- *Mileage Based Exemptions* – granted by the Department for vehicles documented to meet mileage waiver criteria as specified in the rule. During FY2021, the Department received 2,403 applications, with 597 of which came from motorists who visited the Department’s St. Louis Regional Office. Department staff issued 2,309 Mileage-Based exemptions. Of these applications, Department staff denied 63 applications and deemed 25 unnecessary for various reasons (e.g. such as already passing an emissions test).

Data Oversight Methods

Real Time Inspection Data/Paperless Inspection Verification

Analyzer systems connect to the GVIP VID using an Internet connection, uploading the data immediately for inspection verification. Entities that use the VID for inspection verification include the Department, the MSHP, WEP, DOR, DOR contract license offices and the DOR plate renewal website. This allows license offices to quickly identify fraudulent vehicle inspection reports, deny vehicle registrations, and report issues of concern so that investigations can begin immediately and appropriate actions can be taken.

Bulletin Messaging and Documents Menu

Each analyzer system contains a messaging program that allows the Department, MSHP, and WEP to contact GVIP stations, individually or collectively, to inform inspectors and mechanics about inspection procedures, billing reminders, and software updates. WEP has equipped each analyzer system with a “Document” menu, which will store and print GVIP regulations and fact sheets, as well as forms for comments, waivers, and exemptions. This has simplified the distribution of public information to inspection stations and to vehicle owners.

Technical Service Centers for Consumer Protection

Cost-based waivers allow a vehicle to be registered and operate for up to two years following a failed emissions inspection after receiving qualifying repairs. Therefore, the Department strives to ensure repairs made to vehicles receiving a cost-based waiver are appropriate and beneficial. Through negotiated contracts, the Department retains the services of approximately 11 vehicle repair facilities to serve as Technical Service Centers. These Technical Service Centers employ Missouri Recognized Repair Technicians who are certified by the National Institute for Automotive Service Excellence in specific areas, specializing in diagnosing the cause of a failing emissions test.

These Technical Service Centers:

- Diagnose readiness monitor issues with specific makes and models. This helps identify vehicles requiring special testing circumstances and smooths the path for future testing.
- Diagnose vehicles that received repairs, but show no signs of improvement.
- Review work performed on vehicles and examine receipts to determine if repairs performed were necessary and performed as billed.
- Provide motorists with accurate diagnostic information on how best to repair their vehicle to pass an emissions test.

The Department can deny cost-based waiver requests if reviews show repairs were not appropriate for correcting the emissions failure. Many times the Department works with shops that performed the initial repairs to reimburse the motorist or provide additional free repairs. Using Technical Service Centers reduces the number of cost-based waivers, thereby minimizing emissions from waived vehicles while also maximizing the number of fully repaired vehicles.

Equipment Oversight Methods and Tools

Laptop Audit Computers with Wireless Internet Access

Department and MSHP auditors use laptop computers with both analyzer system software and customized auditing software. These allow auditors to securely access the VID to conduct audits and review inspection records for all stations and inspector/mechanics while in the field. Once the auditors complete an audit, staff managers can immediately review audit results and generate

summary audit reports from the inspection database. This allows for a quicker Department response when identifying fraudulent inspections and procedures.

Digital Cameras

Each inspection system includes a digital camera. The analyzer system's software requires licensed inspector/mechanics to photograph the rear license plate, the dashboard vehicle identification number, and the odometer. The inspector/mechanics attach these photographs to the vehicle inspection reports on the VID where they are available for review and comparison to previous inspection reports. Using the VID, the Department and MSHP are then able to identify inspector/mechanics taking improper or no photos prior to inspections.

Fingerprint Readers

Each inspection system includes a digital fingerprint reader. The software requires licensed inspector/mechanics to scan one finger before beginning inspections. Fingerprint readers in combination with the trigger reports described below have dramatically improved enforcement efficiency by documenting and pinpointing inspector/mechanics conducting inspections improperly.

Enforcement

Station Audits

The Department and MSHP conduct overt and covert audits of GVIP stations. During covert audits, the Department uses a fleet of four vehicles altered to fail. These vehicles help the Department assess the effectiveness of emission tests and prevent fraud at test stations. The MSHP also has a vehicle with defects to help MSHP staff evaluate safety inspections at stations. During FY2021, the Department conducted no overt analyzer and inspector audits. Overt audit numbers have decreased in FY2021 due to the COVID-19 pandemic quarantine measures. Additionally, the Department conducted no covert vehicle inspections, due to staffing and quarantine measures, and conducted 667 data audits of GVIP stations. MSHP conducted approximately 4,801 overt audits and 16 covert audits.

Trigger Reports

Once uploaded to the inspection database, inspection data becomes available to the Department, MSHP, DOR and the state's contractor via an Internet-based reporting software suite.

The Department and MSHP are working with WEP to create the ability to run "trigger reports" to identify patterns in emissions or safety inspections that indicate deviations from state regulations. The trigger reports will provide evidence to initiate an investigation.

Clean Scanning

Fraudulent inspection activities, such as clean scanning (the illegal act of connecting an analyzer system cable to a different vehicle than the one identified on the inspection report in order to bypass the required test), violate the Clean Air Act. Fraudulent inspections are prosecutable by the U.S. Attorney's Office. The Department and MSHP collaborate with the criminal investigation division of the U.S. Environmental Protection Agency (EPA) and the U.S. Attorney's Office on investigations of vehicle inspection fraud and inspection document falsification.

The Department finalized three enforcement cases with monetary penalties during this reporting period.

Equipment Lockouts and License Suspensions/Revocations

The MSHP and WEP have the ability to apply an electronic “lockout,” which prevents an individual inspector/mechanic or a GVIP station from using their analyzer system(s). Lockouts can be implemented for a variety of reasons. Some common reasons for lockouts include completing an inspection without photos, performing excessive offline testing, failing an audit, using unauthorized equipment, or for lack of payment. During FY2021, the MSHP and WEP initiated 274 lockouts. The removal of a lockout occurs upon the completion of the license suspension or the correction of the violation.

Oversight Results

The GVIP prevents registration fraud by investigating and identifying individuals producing fraudulent inspection reports. The Department and MSHP routinely investigate GVIP stations and inspector/mechanics for improper inspection activities.

When implemented in 2007, GVIP introduced an improved auditing system, streamlining the Department and MSHP oversight of safety inspections and testing of emissions-control systems. These oversight methods empower the Department and MSHP to produce cost-effective audits, detect fraud, and enforce state regulations regarding safety inspections and emissions testing.

Recommendations on Program Oversight

The Department and MSHP continually strive to improve our ability to detect fraud and ensure accuracy of data. The Department continues to move forward by identifying areas of possible improvement to the GVIP, including:

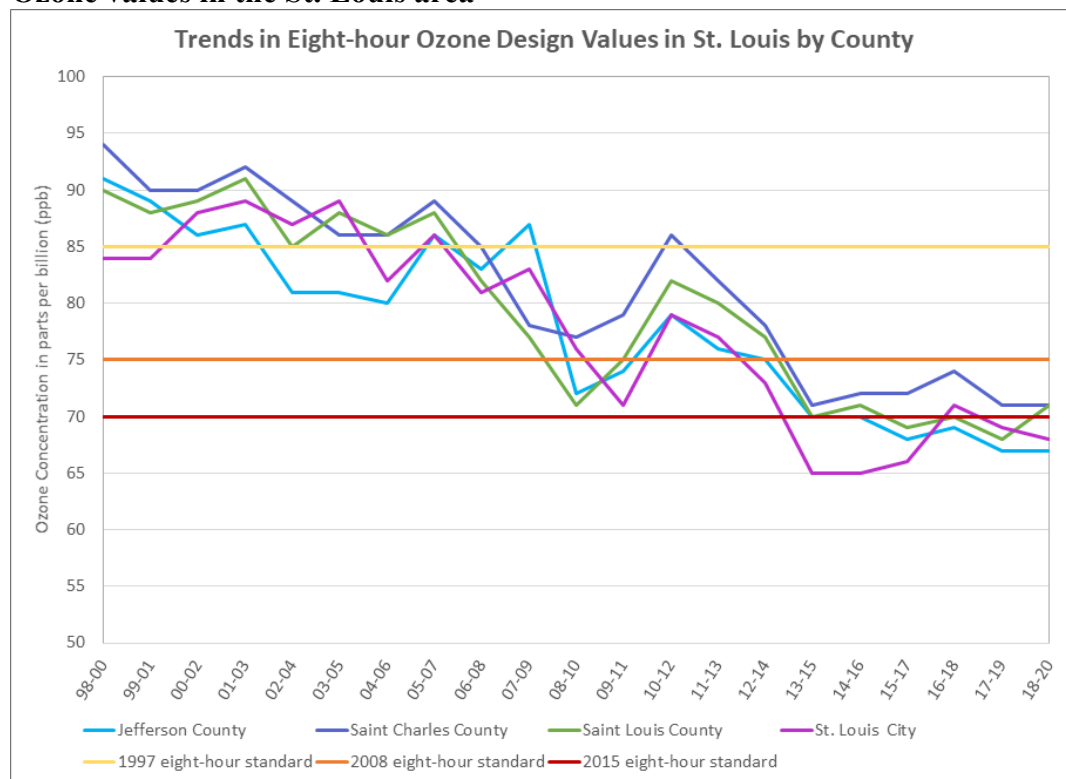
- Continue evaluating the ability for GVIP inspection facilities to authorize mileage-based exemptions through the VID. This process would use data already in the inspection system. The motorist would not pay an additional fee, and the shop would not pay associated emission inspection fees. Beta stations are currently able to issue mileage-based exemptions, with viability throughout the program being evaluated.
- Continue efforts to seek and prevent fraudulent inspection procedures and clean scanning. With ongoing improvements to the reporting system, and varied covert audit techniques, the Department and MSHP will continue to improve our ability to identify improperly conducted inspections.
- Continue working with DOR to improve the registration process through identifying and preventing invalid registration obtained with counterfeit inspection reports, ensuring individual licensing offices conduct proper verifications, minimizing problems or confusion with GVIP exempted vehicles, and minimizing issues associated with online registrations.

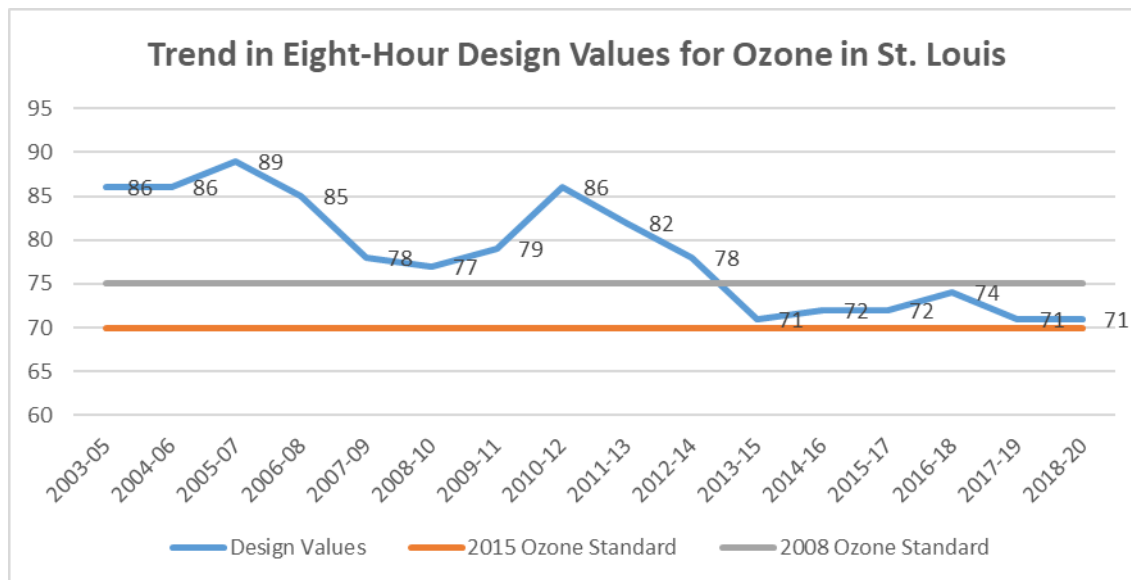
Recommendations on Future Implementation

In addition to improving the operation of the program, the Department continues to investigate options to remove requirements due to the improvement in air quality (See graphs below). As mentioned previously, the Department submitted a revised State Implementation Plan (SIP) which includes the removal of Franklin County from the federal requirements of the GVIP. Consistent with this SIP action the Department is amending the state rule, 10 CSR 10-5.381. The request to remove Franklin County from the GVIP requirements is primarily due to the change of designation of Franklin County (except for Boles Township) from nonattainment to attainment for the 2015 8-hour ozone National Ambient Air Quality Standards. Originally, the Department proposed to remove both Franklin and Jefferson Counties from the requirements. However, although EPA had designated Jefferson County as attaining the standard at the same time as Franklin County, EPA reversed that decision in June 2021 due to a July 2020 D.C. Circuit Court decision. Due to the reversal of the designation status for Jefferson County, the Department is only proposing to remove Franklin County from the GVIP at this time. Pending EPA approval, the earliest implementation of the change in requirements is July 1, 2022.

As mentioned above, the Department is continuing to investigate options to remove the GVIP requirements from Jefferson County and options to remove some of the burden of this program in other counties.

Ozone values in the St. Louis area





Conclusion

The Department and MSHP oversight has elevated GVIP to stand among the top vehicle inspection programs in the country. Thanks to GVIP and other efforts to control air pollution in the St. Louis area, design values for ozone continue to be at historic lows. In an effort to achieve higher compliance, the Department and MSHP will continue working with WEP to refine the oversight tools needed to identify violations and improve enforcement capabilities. Both agencies will continue to ensure compliance with state statutes and rules, remove violators from the program, and work for the public health and safety by overseeing an inspection program that has proven value and integrity.

The Department will continue to investigate options to remove requirements of the GVIP, while not affecting air quality, as the St. Louis area moves closer to attaining the federal air quality standards.